



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/086,735 | 03/04/2002 | Hikaru Osada | 03500.016247 | 2204 |

5514 7590 11/07/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

GRAINGER, QUANA MASHELL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2852

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/086,735

Applicant(s)
Hikaru

Examiner
Quana Grainger

Art Unit
2852



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7, 9, and 10 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 8, and 11 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

Art Unit: 2852

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

1. The information disclosure statement filed 3-4-2002 has been considered.

Specification

2. The disclosure is objected to because the specification is of poor print quality. Please send in a readable/printable copy of the specification. Appropriate correction is required.

Claim Objections

3. Claims 3-4 and 10 are objected to because they contain non-idiomatic English. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Oyamada.

The image forming apparatus comprising: an image bearing member; a transferring means for transferring an image formed on the image bearing member to a recording material; a fixing

Art Unit: 2852

means for fixing by heat the image transferred on the recording material to the recording material, said fixing means having a carrying member to carry the recording material; and a speed setting means for setting a moving speed of the image bearing member depending on the kind of the recording material (column 5, lines 28-67). The apparatus further includes a writing means for writing an image on said image bearing member, and wherein said image bearing member is changed to a speed set in said speed setting material at the timing that the said writing means does not write the image on the image bearing member. The transferring means has a transferring member interposing the recording material together with said image bearing member.

6. Claims 1-2, 5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. The image forming apparatus comprising an image bearing member; a transferring means for transferring an image formed on the image bearing member to a recording material; a fixing means for fixing by heat the image transferred on the recording material to the recording material, said fixing means having a carrying member to carry the recording material; and a speed setting means for setting a moving speed of the image bearing member depending on the kind of the recording material (abstract). The speed setting means additionally sets moving speed of the image bearing member according to information relevant to a circumferential speed of said carrying member. The apparatus further includes a writing means for writing an image on said image bearing member, and wherein said image bearing member is changed to a speed set in said speed setting material at the timing that the said writing means does not write the image on

Art Unit: 2852

the image bearing member. The transferring means has a transferring member interposing the recording material together with said image bearing member.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. in view of Hasegawa. Hamada et al. does not teach a single motor nor the distance between the transfer and fixing position.

Hasegawa teaches a shorter distance between the transfer and fixing position than the size of the maximum formal size usable in the apparatus. The examiner takes official notice that it is known in the art to use a single motor to control both a fixing device and an image bearing member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use of teaching of Hamada et al. with an image forming apparatus such as taught by Hasegawa to properly set the fixing speed (Hamada et al.; purpose).

Art Unit: 2852

Allowable Subject Matter

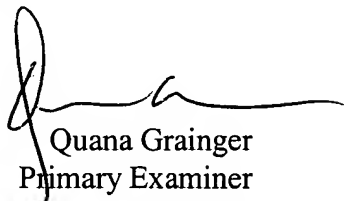
11. Claims 3-4, 8, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12-13 are allowed.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana Grainger whose telephone number is 703-308-7616. The examiner can normally be reached on weekdays between the hours of 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 703-308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.


Quana Grainger
Primary Examiner
Art Unit 2852

QG
November 2, 2002